

STATEMENT OF PURPOSE

RS23413

This bill amends statutes addressing the credit a defendant would receive upon sentencing or revocation of probation for time previously served in jail. Defendants currently receive credit for time spent in jail prior to judgment if their incarceration in jail was for the offense for which judgment was entered. However, defendants who are placed on probation will sometimes be required to serve time in jail as a condition of probation. If the defendant's probation is later revoked and the defendant is ordered to serve the previously suspended prison sentence, the defendant does not receive credit for the time served in jail as a condition of probation. This bill provides that such a defendant would receive credit for the time served as a condition of probation, ensuring that the total time of incarceration served by a defendant does not exceed the sentence imposed by the court. The bill would also clarify that a defendant who is served with a bench warrant or arrested on a probation violation charge receives credit for time served in jail following the service of the warrant or the arrest.

FISCAL NOTE

It is anticipated that there will be savings to the Department of Correction arising from fewer days served by inmates who have been given credit for time served as a condition of probation. A review by the Department estimates the yearly savings as \$566,000.

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